

REMARKS

By this paper, independent claim 1 has been amended and claims 26-34 have been canceled. Claims 1-7 and 9-24 remain pending.

Applicant hereby withdraws and vacates, the previously submitted traversals of the restriction requirements set forth in the August 30, 2006 and January 30, 2007 Office actions without prejudice to file a divisional application.

In the outstanding Office action dated June 14, 2007, an acknowledgement of the Applicant's claim for foreign priority based upon an application filed in the United Kingdom on March 28, 2001 was made. Applicant has included herewith a certified copy of the United Kingdom application upon which priority is based in order to satisfy the requirements of 35 U.S.C. § 119(b).

In response to the objection to the drawings under 35 CFR 1.84(p)(5), Applicant has amended the specification to refer to reference numbers 72 and 73. Accordingly, it is believed that the objection to the drawings has thereby been traversed.

Moreover, in the outstanding Office action, claims 1-3, 9 and 14-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Facciolo et al. (5,662,648) and claims 1-3, 7, 9, 14 and 15 were rejected under § 102(b) as being anticipated by Slocom (5,578,038). Additionally, claims 4-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Facciolo et al. in view of Howard (6,176,860); claims 21 and 24 were rejected under § 103(a) as being unpatentable over Facciolo et al.; claims 18-20 were rejected under § 103(a) as being unpatentable over Facciolo et al. in view of Boland (4,576,158); claims 4-6 were rejected under § 103(a) as being unpatentable over Slocom (5,578,038) in view of Howard; claims 21 and 24

rejected under § 103(a) as being unpatentable over Slocom; and claims 18-20 were rejected under § 103(a) as being unpatentable over Slocom in view of Boland.

On September 14, 2007, the Applicant submitted an Information Disclosure Statement identifying five additional prior art references for the Examiner's consideration. In the present paper, Applicant has amended independent claim 1 to recite an apparatus that provides pressure reduction on at least a portion of a joint without substantially resisting an angular displacement associated with relatively full mobility of first and second bones of the joint. It is respectfully submitted that none of the art cited in the outstanding Office action or was submitted in the September 2007 Information Disclosure Statement recite subject matter which anticipates or renders obvious, either alone or in combination, amended claim 1 and its dependent claims.

In particular, it is submitted that the cited patents directed to orthopedic fixators or fracture setters, namely Howard, Boland and Facciolo et al., neither teach nor disclose an apparatus which provides pressure reduction on at least a portion of a joint without substantially resisting an angular displacement associated with relatively full mobility of the first and second bones of the joint. On the contrary, Howard, Boland and Facciolo et al. disclose apparatus which fixate fractured bones and thus, actually are configured to resist an angular displacement of bones. Moreover, the cited Slocom reference, being that it is directed to a jig for use in osteotomies, also does not disclose or teach an apparatus which provides pressure reduction without resisting an angular displacement associated with relatively full mobility but in fact discloses structure (dogs 34) which resist pivoting motion.

Furthermore, the newly presented Navas patents (5,375,823; 5,540,688) disclose stabilizers which resist angular displacement and therefore, do not teach or disclose an apparatus which provides pressure reduction without substantially resisting an angular displacement.

Similarly, the Holmes patent (5,415,661) discloses a device intended to limit ranges of motion of the spine and consequently also does not provide pressure reduction without substantially resisting an angular displacement. The Orsek et al. patent (6,162,223) is another form of a fixation apparatus which again does not provide pressure reduction without substantially resisting an angular displacement and the Ciullo patent (4,696,293) while providing a hinged fixator, also does not provide pressure reduction without substantially resisting an angular displacement. Notably, both Orsek et al. and Ciullo disclose devices which include structure resisting an angular displacement.

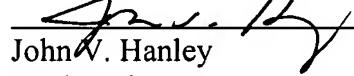
Accordingly, it is respectfully submitted that amended independent claim 1 as well as its respective dependent claims recite subject matter which is allowable over the art of record.

CONCLUSION

Applicant has attempted to completely respond to the outstanding Office action. In view of the above amendments and remarks, Applicant respectfully requests that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

STEPTOE & JOHNSON, LLP


John V. Hanley
Registration No. 38,171

JVH:kst

Steptoe & Johnson, LLP
2121 Avenue of the Stars, Suite 2800
Los Angeles, CA 90067
Telephone: (310) 734-3200
Facsimile: (310) 734-3300
Customer No. 30076